

REMARKS

Claims 1-20 are currently pending. The Examiner has newly rejected Claims 1-20 under 35 USC 102(e) as anticipated by the Khalil patent. The present application teaches and claims a system (message monitor 5 of Fig. 1) and method for multicasting a retrieval request/query received from a customer/user (9 of Fig. 1) to a plurality of mobile retrieval agents (7 and 11 of Fig. 1) for information gathering. Based on the user-entered retrieval request and preferential destination information (step 101 of Fig. 2), a list (as illustrated at Fig. 15(c)) is dynamically created comprising multiple (i.e., more than one) mobile agents as destinations that can respond to the request (step 103 of Fig. 2). The user does not specify a single destination, but issues a request with preferential destination information (see: Fig. 15(A)). The system/method performs the determination as to which mobile agents can respond to the retrieval request and then multicasts the retrieval request to the determined destinations for those mobile agents to respond to the information retrieval request.

Under the present invention, the user does not specify the destination (i.e., the identity or the address of the recipient of the retrieval request). Rather, the user inputs the information retrieval message and preferential non-address destination information. The present system then uses the

retrieval request and the non-address preferential destination information to determine mobile agents which can respond to the retrieval request. In addition, the present invention can use message policy information when determining the mobile agents that will receive the requests, thereby allowing agent priority considerations to be factored into the determination (see: Fig. 15).

The Khalil patent is directed to a mobile computing environment wherein a home agent "is a router on a mobile node's home network which tunnels datagrams for delivery to the mobile node...and maintains current location information for the mobile node. The home agent has three main operations 1) sending agent advertisement; 2) receiving a home agent discovery request and processing the discovery request; 3) receiving a registration request and processing the registration request" (Col. 1, lines 48-55). Under Khalil, multiple home agents are clustered in a virtual home agent (VHA) to allow load balancing among home agents in the VHA and for improved fault recovery.

The Examiner has cited the Khalil teachings found in the abstract, in Fig. 11, and at Col. 7, lines 13-67 against the claimed step and means for receiving a packet comprising a retrieval request message and non-address preferential destination information for the retrieval request as designated by a user. Applicants first point out that Khalil does not teach or suggest a packet comprising a retrieval request designated by

a user. Home agents under Khalil receive discovery requests from other home agents and registration requests from mobile agents. The Khalil home agents do not receive request for retrieval of information. The discovery and registration requests which may be received at the VHA of Khalil are not requests for retrieval of information. Moreover, the Khalil requests from mobile agents do not include non-address preferential destination information. The mobile agent directs registration requests to a destination address which is the destination address assigned to the sub-net (see: Col. 10, lines 10-14). Further, as expressly taught in Col. 7 at lines 46-47, a mobile agent is "not concerned" with which specific home agent at the sub-net address is providing service to it. Accordingly, any of the home agents in the VHA can provide service to the mobile agent. Clearly, therefore, there is no teaching or suggestion in Khalil of retrieval requests with non-address preferential destination information.

Applicants further assert that Khalil does not teach or suggest steps or means for determining which destinations can respond to a retrieval request. All of Khalil's home agents can provide routing services and the mobile agent "is not concerned" with which home agent provides service. Further, the stated goal of the VHA is to provide load shifting/balancing and fault recovery among home agents in the VHA. Therefore, there is no determination of capability of an agent to respond to a retrieval request. Any agent can provide the service.

JA998-075

11

Furthermore, Khalil does not teach or suggest a step or means for dynamically creating a list of destinations that can respond to a received retrieval request, wherein the list comprising more than one of a plurality of mobile request handling agents to whom said message is to be sent, by referring to the retrieval request and the non-address preferential destination information. Khalil creates a virtual home agent comprised of multiple home agents. Routing is provided at the VHA by whatever home agent is available. There is no teaching or suggestion in Khalil of mobile request handling agents. The "handling" in Khalil is routing by home agents, which are not mobile agents and are not retrieval request handling agents. Moreover, Khalil does not dynamically create a list of mobile request handling destinations. Khalil has each home agent maintain a list of other home agents in the VHA by using the described heartbeat discovery mechanism (see: Col. 9, lines 55-50). However, Khalil does not teach or suggest dynamically creating a list of mobile request handling destinations to receive an information retrieval request message. Further, Khalil does not teach or suggest that a list is created based on a retrieval request and non-address preferential destination information. The Examiner has cited the passages found in Cols. 7-9 against the foregoing claim language. Applicants have reviewed the passages and respectfully assert that none of the

cited teachings anticipate the claimed receiving step/means and dynamic creating step/means.

Applicants also note that the Examiner has not cited any teachings against the claimed step/means for sending the retrieval message to the agents on the created list of more than one of the plurality of mobile request handling agents determined as destinations for responding to the retrieval request. Clearly anticipation cannot be maintained if there are no teachings which anticipate that claim feature.

It is well established under U.S. Patent Law that anticipation under 35 USC 102 is established only when a single prior art reference discloses each and every element of a claimed invention. See: In re Schreiber, 128 F. 3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F. 3d 1475, 1478-1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F. 2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990) and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F. 2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Since the Khalil patent does not teach the receiving of a retrieval request with preferential destination information for delivery to more than one determined mobile request handling destination agent, does not teach the use of preferential destination information for dynamically creating a list of destinations comprising more than one mobile agent for responding to the retrieval request, and does not teach the sending of the retrieval request to more than one mobile request

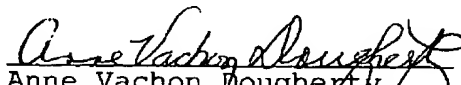
JA998-075

handling agent on the destination list for responding to the retrieval request, it cannot be maintained that Khalil anticipates the invention as set forth in independent Claims 1, 10, 15, 19 and 20. Furthermore, Applicants assert that a reference which does not anticipate the independent claims cannot be said to anticipate those claims which depend from the independent claims and which add limitations thereto. Therefore, the language of Claims 2-9, 11-14, and 16-18 is not anticipated by the Khalil patent. Accordingly, Applicants respectfully request withdrawal of the anticipation rejections.

Based on the foregoing remarks, Applicants request reconsideration of the rejections under Khalil, withdrawal of the rejections, and issuance of the claims.

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